

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN SWITEK,

Plaintiff,

Case No. 21-cv-12184  
Hon. Matthew F. Leitman

v.

MIDLAND COUNTY and  
CHIPPEWA COUNTY,

Defendants.

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**ORDER STRIKING PLAINTIFF'S MOTIONS FOR A MENTAL  
HEALTH COURT (ECF No. 32) AND FOR AN INVOLUNTARY  
DISMISSAL (ECF No. 34)**

On September 7, 2021, Plaintiff Benjamin Switek, appearing *pro se*, filed a Complaint in this Court against the Michigan Parole Board and three Michigan counties. (*See* Compl., ECF No. 1.) Switek alleges that the Defendants violated his constitutional rights when they took his mail without his consent. (*See id.*, PageID.5.) Switek subsequently filed numerous motions, documents, letters, and exhibits. One of the motions was titled “Motion for Court Order.” (*See* Mot., ECF No. 14.) Another motion was a motion to dismiss. (*See* Mot., ECF No. 20.)

On February 22, 2022, the Court addressed Switek's motions and dismissed his claims against Isabella County and the Michigan Parole Board. (*See* Order, ECF No. 28.) Regarding the "Motion for Court Order," the Court noted that it was not clear whether the motion was directed to this Court or a different court because it identified four different judges and four different case numbers, and it referenced Switek's "writs of habeas corpus," which were not before this Court. (*See id.*, PageID.266.) The Court therefore denied that motion without prejudice. (*See id.*, PageID.267.) The Court likewise terminated Switek's motion to dismiss without prejudice because it appeared to have been sent to this Court in error. It included a state-court caption and case number, and it seemed to be related to a state-court action Switek had filed. (*See id.*)

Switek continues to submit copies to this Court of papers that he filed in his state court case and that are addressed to the state court. Two such filings have now been docketed as motions in this action. (*See* Mot. for a Mental Health Court, ECF No. 32; Mot. for Involuntary Dismissal, ECF No. 34.) Neither of these documents are related to this case and they should not have been filed here. Accordingly, the Court **STRIKES** Switek's motions for a mental health court and for an involuntary dismissal (ECF Nos. 32, 34).

The Court further **ORDERS** Switek to stop sending state-court pleadings and motions to this Court that are unrelated to the claims he brings in this case. In the future, the Court will only accept appropriate filings from Switek that comply with all the applicable court rules. If Switek continues to submit irrelevant filings from his state-court cases to the Clerk of this Court, the Court may impose sanctions on Switek, including dismissal of his Complaint. *See* Fed. R. Civ. P. 11(c)(1), 41(b).

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 18, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126